

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
THOMAS K. KURIAN)	FCC File No. 0002196859
Assignor)	
)	
AMTS CONSORTIUM, LLC)	
Assignee)	
)	
Application for Consent to the Partial Assignment)	
of the License for Public Coast Station WQCP809)	

SECOND ORDER ON FURTHER RECONSIDERATION

Adopted: December 3, 2007

Released: December 4, 2007

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. We have before us a second petition for further reconsideration¹ submitted by Pappammal Wellington Kurian (Ms. Kurian), seeking reconsideration of the July 20, 2007 *Order on Further Reconsideration* in this proceeding by the Wireless Telecommunications Bureau (Bureau), Mobility Division.² For the reasons discussed below, we dismiss the petition.

2. The *Order on Further Reconsideration* dismissed as procedurally and substantively defective Ms. Kurian's May 17, 2007 petition for reconsideration³ of the Mobility Division's April 17, 2007 *Order on Reconsideration*⁴ denying Ms. Kurian's May 3, 2006 petition for reconsideration⁵ of the April 3, 2006 decision⁶ by the Bureau's former Public Safety and Critical Infrastructure Division⁷ that dismissed in part and denied in part her objection to the above-captioned application for the partial assignment of the license for Automated Maritime Telecommunications System Station WQCP809 from Thomas K. Kurian to AMTS Consortium, LLC. On August 22, 2007, the Deputy Chief of the Mobility Division received Ms. Kurian's petition for reconsideration seeking "justice" in this proceeding.⁸

3. Although Ms. Kurian did not title her letter a petition for reconsideration, we will treat it

¹ Letter dated August 18, 2007, from Pappammal Wellington Kurian to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission (received August 22, 2007) (Petition).

² See Thomas K. Kurian, *Order on Further Reconsideration*, 22 FCC Rcd 13223 (WTB MD 2007).

³ Electronic mail message dated May 17, 2007, from Pappammal Wellington Kurian, to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission.

⁴ Thomas K. Kurian, *Order on Reconsideration*, 22 FCC Rcd 7318 (WTB MD 2007).

⁵ Pappammal Wellington Kurian, Petition for Reconsideration (filed May 3, 2006).

⁶ Letter dated April 3, 2006, from Michael J Wilhelm, Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, to Byron L. Mills, Esq., and Darren L. Walker, Esq., Mills & Mills L.L.C.

⁷ Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. See Establishment of the Public Safety and Homeland Security Bureau, *Order*, 21 FCC Rcd 10867 (2006).

⁸ Petition at 1.

as a petition for reconsideration because it clearly seeks further review of the action consenting to the application.⁹ We dismiss the petition as procedurally and substantively defective. First, we note that the petition is untimely. Section 1.106(f) of the Commission's Rules requires that a petition for reconsideration be filed within thirty days from the date of public notice of the Commission's action.¹⁰ Thus, the deadline for filing a petition for reconsideration of the July 20, 2007 dismissal action was August 20, 2007. Ms. Kurian failed to meet this deadline. Rather, Ms. Kurian filed her petition on August 22, 2007¹¹ and does not allege any "extraordinary circumstances" to excuse her failure to timely file the petition for reconsideration.¹² Second, the record does not indicate that Ms. Kurian served the petition on the parties, as required by Section 1.106(f).¹³ This also is grounds for dismissal.¹⁴ Finally, the petition is subject to dismissal pursuant to Section 1.106(k)(3) of the Commission's Rules as repetitious, because it seeks reconsideration of an order which has been previously denied on reconsideration, and does not raise any new facts or issues of decisional significance.¹⁵ Reconsideration is appropriate only where the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters.¹⁶

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for further reconsideration submitted by Pappammal Wellington Kurian on August 22, 2007, IS DISMISSED.¹⁷

5. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁹ See, e.g., Jack Gerritsen, *Memorandum Opinion and Order*, 20 FCC Rcd 4273, 4273 n.3 (EB 2005); Redlands Municipal Airport, *Order on Reconsideration*, 20 FCC Rcd 14782, 14782 ¶ 4 (WTB PSCID 2005).

¹⁰ 47 C.F.R. § 1.106(f).

¹¹ Pursuant to Section 1.7 of the Commission's Rules, "documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission." 47 C.F.R. § 1.7. The Petition was received by the Office of the Secretary on August 22, 2007.

¹² See *Reuters Limited v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986) (narrowly construing the judicially created "extraordinary circumstances" exception to statutory time limit for filing petitions for reconsideration).

¹³ 47 C.F.R. § 1.106(f).

¹⁴ See, e.g., *D & I Electronics, Inc.*, *Order*, 16 FCC Rcd 15243, 15249 ¶ 5 (WTB PSPWD 2001).

¹⁵ 47 C.F.R. § 1.106(k)(3).

¹⁶ See *WWIZ, Inc.*, 37 FCC 685, 686 ¶ 2 (1964) (stating that "it is universally held that rehearing will not be granted merely for the purpose of again debating matters on which the tribunal has once deliberated and spoken"), *aff'd sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966); see also 47 C.F.R. § 1.106(c).

¹⁷ In addition, we note that the Petition is moot because the above-captioned application has been withdrawn. See FCC File No. 0002196859 (withdrawal request filed October 12, 2007, accepted October 18, 2007), *recon. pending*.